



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

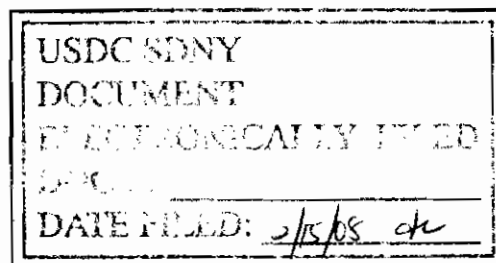
ANDREW M. CUOMO  
ATTORNEY GENERAL

JUNE DUFFY  
BUREAU CHIEF FOR LITIGATION

February 11, 2008

**BY FACSIMILE**

Hon. Barbara S. Jones  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: Cole v. Fischer, 07 CV 11096 (BSJ)(KNF)

Dear Judge Jones:


This office presently represents defendants New York State Department of Correctional Services, Commissioner Fischer, Superintendent Ercole, Donald Selsky and Kevin Laporto in this action, and anticipates that it will be asked to represent any defendants who are eventually served or waive service in this matter. This letter is written to request that the time for the above defendants to respond to the complaint be extended to April 25, 2008.<sup>1</sup> It is further requested that no defendant eventually served be required to respond to the complaint prior to that date.

This request is made because it would be more efficient for all State defendants to respond to the complaint together, and time is needed to allow all State defendants eventually served the opportunity to request representation and to allow this office to properly prepare a response.

There have been no prior requests for extensions of time. We thank the Court for its consideration.

Application Granted.

Respectfully,

  
Daniel Schulze  
Assistant Attorney General  
(212) 416-6557

SO ORDERED  
Dated:

  
BARBARA S. JONES

U.S.D.J.

cc. Ronnie Cole, plaintiff pro se (by mail)

2/15/08

<sup>1</sup> Each of the above defendants returned a waiver of service, and would be required to respond within 60 days of the date of mailing.. FRCP 4(d)(3). The earliest such mailing is stated to have occurred on January 1, 2008, so the first response is currently due on March 1, 2008.